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Attorney Docket No. PSU 00-2182A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: NATAN ET AL.  
SERIAL NO.: 09/598,395  
FILED: June 20, 2000  
TITLE: COLLOIDAL ROD PARTICLES  
AS NANOBAR CODES

EXAMINER: MARSCHEL, ARDIN H.  
ART UNIT: 1631  
CONF. NO: 6068

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

An Office Action was mailed in the above-captioned application on June 30, 2004. In such Office Action claims 1-5, 7-10, 15-17 and 87-96 were pending. Claim 15 was allowed. Claims 1-5, 7-10, 16-17 and 87-96 were rejected. This Response To Office Action document is submitted in response to said Office Action.

The Rejection under 35 U.S.C. § 102(a)

The Examiner has rejected Claims 1-5, 7-10, 15-17 and 87-96 under 35 U.S.C. § 102(a) as being anticipated by Martin, et al., *Adv. Mater.* 11:1021-25 (1999). Submitted herewith is Declaration under 37 C.F.R. § 1.132 signed by inventors Michael J. Natan, Ph.D., and Thomas Mallouk, Ph.D. The Declaration states that the inventors are aware of the Martin, et al., reference, and declares that the cited disclosure in the above Martin, et al. publication was conceived or invented by the inventors and that the inventorship of this application is correct in that the reference discloses subject matter derived from the inventors rather than invented by the authors notwithstanding the authorship of the article.

It is believed that the Declaration is sufficient to overcome the rejection under 35 U.S.C. § 102(a). Reconsideration is respectfully requested.